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LEGISLATIVE NOTES AND REVIEWS

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Congressional Legislation.—SPECIAL SESSION, 1917. The special session of the 65th Congress began on April 2, and adjourned on October 6, 1917, and was concerned largely with war legislation. All told, 107 acts and joint resolutions were passed. Of these, 60 were concerned directly or indirectly with war work; 19 were of a public nature not directly connected with the war; and 34 were private acts.

Declaration of War. The joint resolution declaring the existence of a state of war between the United States and the imperial German government was adopted on April 6, and authorized the President to use the entire naval, military and economic resources of the United States to bring the war to a successful termination.

Appropriations. The war appropriations were unprecedentedly huge and were embraced in 7 separate acts. The deficiency appropriation acts set aside \$250,000 to be expended at the discretion of the President for the relief, protection and transportation of American citizens who were in Europe at the outbreak of the war; \$100,000,000 for the national security and defense, available throughout the year 1917; and additional specific appropriations for the maintenance of certain departments of the government on account of war expenses, including the purchase of shipping plants and the construction of ships and provisions for the acceptance and promotion of vocational education. The army appropriation act provided liberal appropriations for the federal military establishment and maintenance of rifle ranges for civilian instruction for civilian military training, for the council of national defense and the reserve officers' training corps. The urgency deficiency appropriations for the army and navy were designed to afford funds to finance the army and navy in its various branches, to carry on the work of the council of national defense and the shipping board, to provide civilian military training, to construct fortifications and to guarantee the custody of alien enemies. The sundry civil appropriations act, in addition to providing funds for public buildings, armories

and arsenals, set aside appropriations for the shipping board and the immigration and naturalization service. Separate appropriations were made for the United States military academy. The total amount appropriated at this session was \$18,879,000,000.

Liberty Loans. The first liberty loan was authorized by the act of April 24, 1917, aggregating \$5,000,000,000, of 3 1-2 per cent bonds, convertible into a higher rate of any subsequent issue, and exempt from all national or local taxes except estate or inheritance taxes. The secretary of the treasury was authorized to loan the allied governments \$3,000,000,000. The second liberty loan was authorized by the act of September 24, 1917, providing for \$7,538,945,460, of 4 per cent bonds, convertible into a higher rate of subsequent issue. The secretary of the treasury was authorized to loan the allied governments \$4,000,000,000.

War Taxes. The elaborate act of October 3 provides for the raising of revenue to defray the war expenses. This act imposes a tax on incomes, war excess profits, beverages, cigars and tobacco, facilities furnished by public utilities, insurance, admissions, bonds, capital stock issues, sales or transfers, sales on exchange, drafts and promissory notes, deeds, entries, passage tickets, playing cards, postage and parcel post. Some of these taxes are new, others are merely adjustments by the raising of rates. The existing administrative machinery for the most part is used in effecting collections.

Navy. In order to increase the efficiency and the personnel of the navy, several important changes in the naval organization were instituted. The secretary of the navy was authorized to assign any member of the fleet naval reserve to active duty for training on board ship or elsewhere, and to detail such naval officers as might be necessary to the hydrographic office during the war. Minority enlistments in the navy or marine corps were extended to a term of 4 years; the maximum age limit of officers of the naval reserve and the naval reserve force, on first appointment, was increased from 35 to 50 years; and during the period from April 25, 1917, to September 1, 1918, each senator, representative and delegate in Congress is authorized to appoint one additional midshipman. Provision was made for the enlistment of the citizens or subjects of friendly alien countries by permitting such persons to enlist upon declaring their intentions of becoming citizens of the United States, and providing that any such person upon the completion of not less than one year of honorable naval service and proof of good moral character and the production of a certificate

from the secretary of the navy, may become a citizen of the United States without further residence or requirement. By the act of May 22, 1917, the enlisted strength of the active list of the navy was temporarily increased from 87,000 to 150,000, and the enlisted strength of the active list of the marine corps from 17,400 to 30,000. To insure against the loss of property incident to the hazards of war, the paymaster general of the navy is authorized to reimburse such officers, enlisted men and others in the naval service who may suffer loss, destruction or damage to personal property due to the operations of war, shipwreck or other marine disaster. Provision was made by the acts of October 6, for the payment of a six months' gratuity to the widow, children, or other designated dependent relative of any officer or enlisted man serving on active duty during the continuance of the war; the officers of auxiliary naval forces were authorized to serve on naval courts; the commutation price of the navy ration was fixed at a maximum of 40 cents; and the rating and base pay of members of the artificer branch of the navy was readjusted.

Army. The detailed changes effected in the army organization were extensive. The selective service act, signed on May 18, provided for raising an army of 500,000 by selective draft of men between the ages of 21 and 31 years, and for further increments. This act also provided for local draft boards, district appeal boards and other machinery for the registration and selection of men for the army. By other acts, provision was made for the enlistment of the citizens or subjects of allied countries in the army, under such rules and regulations as the secretary of war may prescribe; the erection of temporary war buildings on the grounds of the Smithsonian Institution at Washington; the issuance of small arms and equipment to the companies of home guards in the states and territories and the District of Columbia; the condemnation of lands for fortifications, coast defenses, military training camps and other military purposes; the appointment of additional lower grade officers in the officers' reserve and national guard staff corps, and not to exceed 12 chaplains at large; the use of cavalry temporarily as field artillery; and the fixing and assignment of pensions to members of the public health service, their widows and children, when serving on coast guard vessels or in the army or navy. Any officer or soldier of the United States army in overseas service may make allotments of his pay for the support of his wife, children or other dependent relatives, under such regulations as the secretary of war may prescribe. Provision was made for the organization of the dental

corps of the army on the same basis as the medical corps, for one dental officer for each 1,000 men of the total strength of the regular army, and for keeping dental students in college on the same basis as medical students.

Aviation. During the continuance of the war, the President is authorized to increase the enlisted strength of the signal corps and aviation section of the army; to provide for the organization and personnel of both branches; to acquire and equip aviation fields; develop aeroplanes and engines; and provide for the vocational training of the enlisted men; and by the act of October 1, an aircraft board was created to expand and coördinate the work of building aeroplanes.

Alien Enemy Vessels. On April 6, when war was declared, there was a large number of vessels belonging to Germany and Austria which had been interned in United States ports during our period of neutrality. By the act of May 12, the President was authorized to take possession of all these vessels, except those interned in the ports of the Virgin Islands, and turn them over to the United States shipping board to be equipped for service. The value of these vessels is fixed by a board of survey appointed by the secretary of the navy.

War Risk Insurance. The war risk insurance act of September 2, 1914, was amended (June 12) to provide for the reinsurance of American vessels with the allied governments and the reinsurance of allied vessels with the American government; and the insurance of the masters, officers and crews of vessels privately owned and carrying on trade in the interests of the United States. Additional extensive amendments were made by act of October 6, providing for a general system of military and naval family allowances, compensations and insurance, and creating a division of marine and seaman's insurance and a division of military and naval insurance.

Crimes Against the Government. The existence of a state of war renders it imperative that the government define or re-define acts and practices which are inimical to the best interests of the country in the successful prosecution of the war. The espionage act prohibits the gathering of information to be disclosed to the enemy, at places connected with the national defense, such as dockyards, arsenals and munition plants; and the disclosing of plans of defense or the disposition of armed forces to the enemy. The secretary of the treasury may promulgate rules and regulations governing the anchorage and movement of foreign or domestic vessels in the territorial waters of the United States; violation of the rules entails forfeiture of the vessel,

fine and imprisonment. Setting fire to any vessel of American or foreign registry, tampering with the motive power, or placing bombs or explosives on board, or destroying or interfering with commodities designed for export subjects the offender to a fine of \$10,000 and imprisonment for ten years. It is likewise unlawful to export any article which may be prohibited in any proclamation issued by the President; or to interfere in any way with the orderly movement of trains or other carriers. To facilitate the movement of government supplies, the President is authorized to give preference or priority in transportation to shipments which are essential to the national security and defense. The shipping board is authorized to permit vessels of foreign registry and foreign built vessels admitted to American registry to engage in coastwise trade during the war.

Mining, Homestead and Desert Land Claims. The provisions of the laws relative to residence, improvements and assessments in establishing claims to mining, homestead and desert land entries on government lands are suspended during the continuance of the war in the cases of persons who are enlisted in some branch of the military or naval service. The necessary affidavits required of entrymen may be taken before the military commander of any such person engaged in military service.

Agriculture and Food Products. For the purpose of stimulating agriculture, increasing and conserving the food supply and facilitating its distribution, the secretary of agriculture is authorized to assemble information relative to the demand, production and distribution of agricultural food products; to furnish seed at cost; to provide for the eradication of disease, the dissemination of market news, and the demonstration of food conservation and preparation methods. The President is authorized to establish such agencies as will secure an adequate and equitable supply of food at reasonable prices, and without conspiracies or combinations.

Citizenship. Any citizen of the United States who has expatriated himself to enter the armed forces of any of the allies of the United States, may, on presentation of an honorable discharge, be repatriated, if abroad, by applying to any consular officer of the United States, and if at home, by applying to any court authorized by law to confer citizenship on aliens, and taking the oath of allegiance, and, without lapse of time or other formality, may have full citizenship conferred on him.

Explosives. During the continuance of the war, it is unlawful to manufacture, distribute, store, use or possess powder, explosives,

blasting supplies or the ingredients thereof, unless licensed to do so, and in compliance with such requirements demanded by a state of war, as may be imposed.

Patents. When the commissioner of patents thinks that the publication of an invention by the granting of a patent may be detrimental to the interests of the country, he may order that the patent be kept secret, and withhold the granting of the patent until the termination of the war.

Trading with the Enemy. The trading with the enemy act is designed to suspend and discontinue any and all commerce with the enemy or his allies, and prohibits the sending or transporting of merchandise, persons, letters or other written messages to the enemy or any enemy ally without license from the President, or the conducting of any and all kinds of business which are deemed inimical to the United States or helpful to the enemy.

Red Cross. The American Red Cross was authorized to erect a temporary building in Washington for its use in carrying on auxiliary war work.

Non-War Acts of Public Nature. Approximately 19 acts of public nature were passed dealing with questions not essentially connected with the war. These measures include the congressional appropriation act; certain provisions relating to the distribution and interchange of cars to facilitate the transportation of interstate commodities; the installation of a pneumatic mail-tube service in Washington; amendments to the federal reserve bank system; continuance of the temporary permits for the diversion of water power from above Niagara Falls; modifications in the designs of the current quarter dollars; appropriations for congressional session employees; rivers and harbors appropriations; enlargement of the membership and change in procedure of the interstate commerce commission; construction of additional buildings for the treasury department; prescribing the denominations of circulating notes of national banks and authorizing the issuance of notes of small denominations; extending the workmen's compensation law provisions in admiralty and maritime causes; authorizing the secretary of the treasury to permit the entry of distilled liquors shipped from any foreign country prior to September 1, 1917, into bonded warehouses of the United States, conditioned for the export of such goods to some foreign country within the period of one year from the date of entry; and authorizing the secretary of the interior to issue permits, good for a period of two years, granting the

exclusive right to prospect on public lands for chlorides, sulphates, carbonates, borates, silicates or nitrates of potassium.

Private Acts. Thirty-four acts, essentially private in their nature, were passed dealing with: the Independent Order of Odd Fellows in the District of Columbia; authorizing the construction of bridges, locks and dams in and across navigable rivers; the improvement of harbors; the conveyance of lands; establishing ports of entry; increasing the cost limit of certain public buildings; the donation of cannon; and authorizing the secretary of the interior to expend public money in the promotion of drainage in the Rio Grande reclamation project.

SECOND SESSION, 1917-18. The regular session of Congress opened December 3, 1917 and continued into November, 1918. Up to the end of August, 120 public acts and 23 public resolutions had been passed.

On December 7, a joint resolution was passed declaring war on Austria-Hungary.

Economic Measures. The daylight saving act, which became law March 19, 1918, provided for advancing the time by one hour from April to October 25. The railroad control act, signed March 21, provided for the control and direction of railroads and transportation facilities by the national government, confirming the action of the President in taking control of the railroads at the end of December. On April 5, a bill became law, creating the war finance corporation, capitalized at \$50,000,000, to provide credits for industries and enterprises necessary or contributory to the prosecution of the war, and to supervise the issue of securities.

The civil rights act for soldiers and sailors (March 8) and the Overman act (May 20), authorizing the President to consolidate and reorganize executive departments, bureaus and agencies, have already been noted in this REVIEW. Another act affecting administrative organizations was that of August 6, authorizing two additional assistant secretaries of war. An act of June 27 provided for the rehabilitation of disabled soldiers.

Sabotage and Espionage. On April 20, a sabotage act was approved, providing heavy fines and imprisonment for the destruction of war materials or obstructing the United States or any associate nation in the prosecution of the war. An act amending the espionage law was signed May 16, providing penalties for seditious utterances or for publishing disloyal statements with intent to cripple or hinder the prosecution of the war.

Selective Service. A joint resolution was approved on May 20, providing for the registration and drafting of men reaching the ages of 21 since June 5, 1917. A sweeping extension of the selective service act became law on August 31, providing for the registration of all men between the ages of 18 and 21 years and between 31 and 45 years, inclusive, and for their call to military service.

Financial Measures. Important appropriation acts were the sundry civil act for \$3,000,000,000, the naval appropriation of \$1,609,000,000, the fortifications bill of \$2,814,000,000, and the army appropriation act of \$12,000,000,000. The total appropriations and authorizations for contracts to the end of August amounted to \$29,791,000,000; and an additional estimate presented in September for the enlarged military program called for \$7,350,000,000 more.

An act authorizing the third issue of Liberty bonds was approved April 5; and on July 9, an act for the fourth issue was signed, authorizing additional bonds for \$8,000,000,000 and \$1,500,000,000 more for loans to associated nations, at not more than $4\frac{1}{2}$ per cent, making a total of \$22,000,000,000 authorized for bond issues.

The war revenue bill, introduced in September, provided for drastic increases in tax rates and new taxes, estimated to yield a total tax revenue of \$8,000,000,000 for the year.

State Administration of Vocational Education. Since the enactment of the Smith-Hughes Act by Congress in February 1917, providing for aid from the national government to the states in promoting vocational education, forty states, by legislative act, have accepted the provisions of this law and pledged themselves to its administration. The Michigan¹ law stipulates, however, that all provisions of the act shall apply only until the next meeting of the state legislature.

Twenty-five states² in accepting the Smith-Hughes law authorize the state board of education, or a corresponding agency, to work out the plans of administration. Colorado³ vested the authority in the state board of agriculture, pending a constitutional amendment which would provide for an appointive board of education. The legislature

¹ Acts 1917, p. 377.

² Arizona, Arkansas, California, Connecticut, Delaware, Florida, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia and Wyoming.

³ Acts 1917, p. 536.